

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CHARLES HOOMAIAN and  
LISA HOOMAIAN,

Plaintiffs,

v.

WILMINGTON SAVINGS FUND  
SOCIETY, FSB, BANK OF  
AMERICA, N.A. AND FAY SERVICING,  
LLC,

Defendants.

Case No. 4:16-CV-13596  
Hon. Terrence G. Berg

**ORDER FOR FACILITATION**

Pursuant to Federal Rule of Civil Procedure 16(c)(2)(P), the Court refers this matter for an early settlement conference in accordance with the following provisions:

1. The early settlement conference shall be conducted by the following neutral facilitator:

Fred M. Mester  
The Office of Fred M. Mester, P.C.  
41000 Woodward Avenue  
Bloomfield Hills, MI 48304  
248-804-9036  
judge@judgemester.com

2. The purpose of the conference is to attempt to resolve the litigation in a prompt, efficient, and fair manner.

3. The conference shall take place at a date, time, and location to be selected by the facilitator, but not later than thirty (30) days from today's date. If the litigation cannot be resolved at the conference, the facilitator may convene additional sessions, by phone or in person.

4. The facilitator shall be compensated at a rate of \$150 per hour; however, total fees assessed in connection with this matter may not exceed \$1,000. The parties shall pay the facilitator's fees equally (50% for Plaintiff/50% for Defendants).

5. Within seven (7) days of today's date, counsel shall contact the facilitator to discuss a mutually convenient date, time, and location for the conference, and such other issues as the participants may wish to address.

6. In addition to counsel, individuals with full and final settlement authority must be physically present at the conference. Participation by telephone is not permitted, unless permitted by the facilitator.

7. Seven (7) days prior to the scheduled conference, or at such other time as the facilitator may direct, counsel for each party shall submit written statements, not to exceed five pages in length, to each other and to the facilitator, setting forth: (i) that party's position on the disputed and undisputed issues involved in this case and that party's view on how those issues should be resolved; (ii) a summary of the substance of any settlement discussions that have taken place to date; (iii) proposed action for resolving this case; and (iv) any perceived obstacles to full and final resolution of this case. These statements shall not be filed on the Court's docket or otherwise disclosed to the Court.

8. The facilitator shall apprise the Court of the progress of settlement efforts through use of SCAO Form MC 280 (“Mediation Status Report”), which can be found here:

<http://courts.michigan.gov/Administration/SCAO/Forms/courtforms/alternativedisputeresolution/mc280.pdf>

9. Until further order of the Court, the parties shall not serve discovery, responses to discovery, or disclosures, and shall not file any motions, responses to motions already filed, or responsive pleadings. All motions currently pending on the Court’s docket are hereby **DENIED WITHOUT PREJUDICE**. Should this case fail to settle through the facilitation process, any motion denied without prejudice by this order may be re-filed. Any upcoming court hearings or conferences are adjourned until further notice.

**SO ORDERED.**

Dated: January 9, 2018

s/Terrence G. Berg

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TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on January 9, 2018.

s/A. Chubb

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Case Manager